

REMARKS

Applicant respectfully requests reconsideration and allowance of subject application. Claims 1-11 and 13-33 are pending. Claim 6 has been amended by way of this Response. Claims 1 and 13 are independent claims. Reconsideration and allowance of the present Application are respectfully requested.

Applicant thanks the Examiner for the detailed analysis presented in the current Office Action.

Claim Rejection Under 35 U.S.C. § 112

Claim 6 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Applicant traverses this rejection.

Applicant has amended claim 6 to rectify a minor antecedent basis informality therein. Accordingly, Applicant respectfully submits the rejection has been overcome. The amendment to claim 6 was not made for reasons related to patentability. Reconsideration and withdraw of the 35 U.S.C. § 112 rejection are requested.

Claim Rejection Under 35 U.S.C. § 101

Claims 1-11 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Applicant traverses this rejection.

The Office states that, "Claims 1-12 are directed to method steps which can be practiced mentally in conjunction with pen and paper." Applicant respectfully disagrees with this analysis.

1 Claim 1 is directed to a method involving a computer process. In  
2 particular, claim 1 includes the subject matter of "receiving a request from a client  
3 device..." and "comparing the hierarchical identifier with at least a portion of a  
4 configuration file." Foremost, the client device of claim 1 is not something that  
5 can be practiced mentally in conjunction with pen and paper. If the Office wishes  
6 to maintain the current rejection, it is respectfully request to clarify how pen and  
7 paper can be used to receive a request from a client device. Applicant respectfully  
8 submits that it is not possible to use pen and paper in such a manner. In addition,  
9 Applicant does not see how it is possible to use pen and paper to compare a  
10 hierarchical identifier with a portion of a configuration file. As is understood by  
11 those skilled in the art, configuration files of the type set forth in the claim are  
12 contained in computing in devices. The configuration file is not content that can be  
13 simply referenced, observed, utilized, etc. with the use of pen and paper.

14 In accordance with the above, Applicant respectfully submits the subject  
15 matter of claim 1 cannot be practiced mentally in conjunction with pen and paper.  
16 The remaining rejected claims are dependent on claim 1. Accordingly, claims 1-  
17 11 are directed to statutory subject matter as specified in 35 U.S.C. 101.

18  
19 *Claim Rejection Under 35 U.S.C. § 103*

20 Claims 1-11 and 13-33 are rejected under 35 U.S.C. 103(a) as being  
21 unpatentable over Applicant Admitted Prior Art (hereafter, "AAPA"), in view of  
22 Benitez et al (U.S. PG Pub 20020161908A1) (hereafter "Benitez").

23 An implementation described in the present Application teaches receiving a  
24 request at a universal listener (UL) service 402 and comparing the request with  
25 content of a configuration file 404. (See page 14, lines 3-5; and Fig. 4 of the

1 *present Application.*) Hierarchical formatted information of the request are  
2 examined and compared with the contents of the configuration file 404 to  
3 determine an appropriate user-mode process that should service the request. (*See*  
4 *page 14, lines 8-11.*) The implementation states the extension-identifying portion  
5 of the request (URL) is not used in making the determination as to which user-  
6 mode process should service the request. (*See page 14, lines 5-8.*)

7 The hierarchical formatted information of a request will generally be in the  
8 form of `http://foo.com/fooapp4/..../....`. This is only one example of the form the  
9 hierarchical information may take. When the request, such as the URL shown, is  
10 received, the UL service 402 will compare it with the contents of the configuration  
11 file 404. (*See page 16, lines 8-10; and Figs. 4-5 of the present Application.*) Here,  
12 a first portion of hierarchical information is "foo.com." This first portion of the  
13 request is found in a Config Group A, which is illustrated in Fig. 5. Next,  
14 "fooapp4" is compared with the contents of the configuration file 404. This  
15 subsequent portion "fooapp4" is not referenced in one of the Config Groups, so a  
16 user-mode process is selected from an application pool that corresponds to Config  
17 Group A. (*See page 8-14; and Fig. 5.*)

18 The claims of the present application set forth subject matter directed  
19 towards, *inter alia*, the use of a hierarchical identifier to identify an appropriate  
20 user-mode process.

21 **Claims 1, 13 and 25 are reproduced below**

22

23

24

25

1  
2 1. A method comprising:

3 receiving a request from a client device, the request comprising a  
4 hierarchical identifier;

5 comparing the hierarchical identifier with at least a portion of a  
6 configuration file to identify an appropriate user-mode process for handling  
7 the request; and

8 providing the request to the identified appropriate user-mode  
9 process.

10  
11 13. A computer-readable medium having computer-executable  
12 instructions for performing steps comprising:

13 causing a kernel-mode process in a server device to compare a  
14 hierarchical identifier associated with a client device generated request with  
15 at least a portion of a configuration file to identify a most applicable user-  
16 mode process for handling the client device generated request within the  
17 server device; and

18 causing the kernel-mode process to provide the client device  
19 generated request to the identified most applicable user-mode process.  
20  
21  
22  
23  
24  
25

1           25. An apparatus comprising kernel-mode web server logic  
2 configured to receive a remotely generated request having a hierarchical  
3 identifier suitable for handling by a user-mode process, and selectively  
4 identify a most applicable user-mode process for handling the remotely  
5 generated request.

6  
7           Turning now to the teachings relied upon the Office to reject the claims. The  
8 *AAPA* describes a web server process that receives a request that includes a  
9 universal resource locator (URL). The web server process accesses a mapping  
10 function to identify an appropriate worker process based on the extension-  
11 identifying portion of the URL in the request. (Page 11, line 24 – page 12, line 16  
12 of the present Application.) The extension-identifying portion of the URL is not  
13 hierarchical information. Moreover, the *AAPA* does not describe a system in  
14 which a request comprising a hierarchical identifier is received and the  
15 hierarchical identifier is used to identify an appropriate user-mode process for  
16 handling the request. The *AAPA* does not have any functionality that would allow  
17 it to handle any data that is associated with hierarchical data.

18           The Office recognizes the deficiencies of the *AAPA*. (See Point 9 of the  
19 current Office Action.) In order to make up for those deficiencies, the Office has  
20 relied upon the teachings of *Benitez*. The Office asserts the combination of the  
21 *AAPA* and *Benitez* render the claims of the present Application unpatentable. In  
22 the following, Applicant discusses the *Benitez* patent. The discussion will show  
23 that *Benitez* does not make up of the deficiencies the Office acquiesces are present  
24 in the *AAPA*. Therefore, the combination of *AAPA* in view of *Benitez* is unable to  
25 substantiate a proper rejection under 35 U.S.C. 103(a).

1        *Benitez* is directed to a system that partitions an application program into  
2 page segments by observing the manner in which the application program is  
3 conventionally installed. A minimal portion of the application program is installed  
4 on a client system, yet the user launches the application in the same way that  
5 applications on other client file systems are started. An application program  
6 server streams the page segments to the client as the application program executes  
7 on the client and the client stores the page segments in a cache. Page segments are  
8 requested by the client from the application server whenever a page fault occurs  
9 from the cache for the application program. (*Benitez; Abstract.*)

10        More specifically, *Benitez* describes the use of a client streaming software  
11 604 to implement the system. (*See paragraph [0187].*) The client software [604]  
12 includes a kernel-mode streaming file system driver and a user-mode client to  
13 implement the system. (*See paragraph [0193].*) *Benitez* further describes  
14 mapping certain filenames to indicate that those files, which may typically be  
15 installed on the client device, are actually available from the server. The user-  
16 client is designed to act as an intermediary between the streaming file system  
17 driver and the server when a file is retrieved from the server. (*See paragraph*  
18 *[0193], page 11, lines 1-4.*)

19        Paragraph [0161] of the *Benitez* patent describes how files that would  
20 normally be local on a user's system are stored on a server for retrieval when their  
21 use is desired. To achieve this result, *Benitez* uses conventional file spoofing. As  
22 is described in the paragraph, a location of the file or files that would normally be  
23 on the user's system is added to a spoofing database. The location reference in the  
24 database includes a mapping to a location on the server where the file is actually  
25 located. When the file system on the user's system requires a spoofed file, the

1 database is referenced as to where the file is located and then retrieved. In the  
2 *Benitez* system, the client software 604 performs this retrieval function.

3 The Office contends the system of *Benitez* makes up for the deficiencies of  
4 the *AAPA*, and the combined teachings of the *AAPA* and *Benitez* render the claims  
5 of the present Application unpatentable. Foremost, the described system according  
6 to *Benitez* uses a simple database to store references to spoofed files. When a file  
7 is called by a user's system, and the file is not local, the client software 604 simply  
8 uses the file name and its normal location to retrieve a reference to where the file  
9 is located on the server. Whether or not the file name is hierarchical in nature  
10 makes absolutely no difference to the *Benitez* system; the *Benitez* system simply  
11 searches for the file name and the process ends at the point the filename is found,  
12 or not.

13 What is apparent from the discussions of the *AAPA* and *Benitez* is that  
14 whether the teachings are taken alone or in combination together, the logical step  
15 of comparing a hierarchical identifier with at least a portion of a configuration file  
16 when identifying an appropriate user-mode process does not occur in either of the  
17 teachings (See claims 1 and 13.) Thus, the combination does not render the  
18 claims unpatentable. Furthermore, the relied upon teachings, whether taken  
19 together or standing alone, do not teach logic that receives a hierarchical identifier  
20 suitable for handling by a user-mode process, and selectively identify a most  
21 applicable user-mode process based on the identifier. (See claim 25.)

22 For the reasons given above, claims 1, 13 and 25 are allowable over the  
23 *AAPA* in view of *Benitez*. Applicant respectfully requests that the § 103 rejection  
24 be withdrawn.  
25

1       **Claims 2-11, 13-24 and 26-33** are allowable by virtue of their dependency  
2 on one of the discussed independent claims.

3  
4       **Motivation to Combine the *AAPA* and *Benitez***

5       In combining the *AAPA* and *Benitez*, the office states a “person with  
6 ordinary skill in the art would have been motivated to implement the  
7 powerful/efficient kernel-mode approach over the less efficient user-mode  
8 approach to address the issue of *AAPA*.” Applicant respectfully submits the  
9 Office’s reasoning for combining the *AAPA* and *Benitez* is flawed for the  
10 following reasons.

11       The Office is respectfully reminded that the *AAPA* describes a web server  
12 process that receives a request that includes a universal resource locator (URL).  
13 The web server process accesses a mapping function to identify an appropriate  
14 worker process based on the extension-identifying portion of the URL in the  
15 request. (*Page 11, line 24 – page 12, line 16 of the present Application.*) The  
16 extension-identifying portion of the URL is not hierarchical information. The  
17 request is handled exclusively on the user-mode side, as is delineated by a dashed  
18 line of Fig. 2 of the present Application.

19       *Benitez* is directed to a system that partitions an application program into  
20 page segments by observing the manner in which the application program is  
21 conventionally installed. A minimal portion of the application program is installed  
22 on a client system, yet the user launches the application in the same way that  
23 applications on other client file systems are started. An application program  
24 server streams the page segments to the client as the application program executes  
25 on the client and the client stores the page segments in a cache. Page segments are



1 requested by the client from the application server whenever a page fault occurs  
2 from the cache for the application program. (*Benitez; Abstract.*) The Office states  
3 the *Benitez* system uses a "pure kernel-mode" process for handling requests.

4 When stating that the *AAPA* and *Benitez* may be combined, the Office fails  
5 to address and explain why one of ordinary skill in the art would look to a system  
6 that makes use of file spoofing when attempting to rectify the deficiencies of the  
7 *AAPA*. File spoofing does not require the use of extensions, or for that matter,  
8 requests that are in the form of a URL. Moreover, file spoofing does not relate to  
9 how a user accesses a server to retrieve Web content. *Benitez* does not, even once,  
10 discuss how URLs may be used in the streaming system of the relied upon patent.  
11 In comparison, URL extensions are used exclusively in the *AAPA* arrangement,  
12 and file spoofing is not contemplated and/or required by the *AAPA* arrangement.

13 Therefore, Applicant believes the Office used *hindsight* knowledge gleaned  
14 from the present Application when the current § 103 rejection was formulated. As  
15 the Office is aware, the use of *hindsight* knowledge is not permitted in the process  
16 of formulating obviousness rejections. Accordingly, in addition to the technical  
17 deficiencies of the *AAPA* and *Benitez*, Applicant respectfully submits the current  
18 35 U.S.C. 103(a) rejection is improper. Reconsideration and withdrawal are  
19 requested.  
20  
21  
22  
23  
24  
25

**Conclusion**

Claims 1-11 and 13-33 are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, the Examiner is requested to urgently contact the undersigned attorney to resolve the issue.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 12-0769 for any additional fees required under 37 CFR §1.16 or under §1.17; particularly, extension of time fees.

Respectfully Submitted,

Date: 8-12-2005

By: 

Tim R. Wyckoff  
Lee & Hayes, pllc  
Reg. No. 46,175  
(206) 315-4001 ext. 110